

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:07CV313-MU-02

CHARLES WILLIAM JOHNSON, )  
Plaintiff, )  
 )  
v. )  
 )  
BOYD BENNETT, Director of )  
N.C. Department of Cor-) )  
rection, et al., )  
Defendants. )  
\_\_\_\_\_ )

O R D E R

**THIS MATTER** comes before the Court on initial review of the plaintiff's §1983 civil rights Complaint, filed September 27, 2007.

By his Complaint, the plaintiff essentially alleges that since August 2004, he has suffered from chronic itching and pain; that in January 2007, a blood test revealed that he has contracted Hepatitis C; and that the defendants have shown deliberate indifference to those problems by their failure to diagnose and treat his conditions. Based upon the foregoing, the plaintiff is requesting \$10,000 in compensatory and punitive damages, and temporary and injunctive relief from the defendants.

While it is far from clear to this Court whether the plaintiff will be able to prove his claim, it does appear that he has alleged matters which are sufficient to withstand the Court's

initial review for frivolity. Consequently, the defendants will be required to respond to these allegations as provided under the Federal Rules of Civil Procedure.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

1. The Clerk shall prepare and issue process in this matter, and shall deliver the same to the U.S. Marshal.

2. The U.S. Marshal shall serve the defendants with process.

3. The defendants shall respond to the plaintiff's allegations as set forth in his Complaint in accordance with the Federal Rules of Civil Procedure.

**SO ORDERED.**

Signed: October 10, 2007

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

